IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of   :   Roger Kahn, *et al.*

Serial No.   :   09/885,681   Examiner: Kuen S. Lu

Filed   :   June 20, 2001   Group Art Unit: 2167

Title   :   SYSTEM AND METHOD FOR LEAST WORK PUBLISHING

Office of Petitions
Commissioner for Patents
Washington, D.C. 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)

Sir:

We acknowledge receipt of the Notice of Abandonment for the above-identified

application dated January 10, 2005. A copy of the Notice of Abandonment is enclosed.

The Commissioner is hereby petitioned under 37 CFR § 1.181(a) to withdraw the

holding of abandonment of the above-identified application for the reasons stated below:

(1)   On June 4, 2004, Applicants filed an Amendment and Response to an

outstanding Office Action, said Office Action mailed December 4, 2003, which Applicants

received from the United States Patent and Trademark Office in respect of this Application. A copy

of Applicants' Response is enclosed herewith, together with a copy of the stamped return postcard

received from the United States Patent and Trademark Office acknowledging good and timely
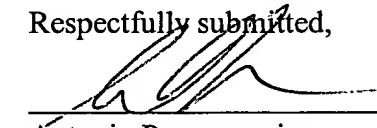
receipt of this Response.

(2)   In the above-cited *"Notice of Abandonment"*, Applicants are informed that

Applicants' representative Seth Ostrow orally confirmed abandonment of the present Application on December 22, 2004. Applicants' representative has no record of confirming abandonment of the present Application and, indeed, had no intention of abandoning the present Application as Applicants had filed their Response over six months prior to the alleged oral instructions to abandon the Application
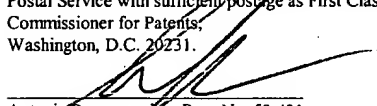
Applicants respectfully submit that no fees are required in connection with this petition. However, the Commissioner is authorized to charge any necessary fees, or credit any overpayment, in connection with the filing of this Petition and Declaration to Deposit Account 02-4270.

Dated: _April 11, 2005_

Respectfully submitted,

_Antonio Papageorgiou
Reg. No. 53,431
BROWN RAYSMAN MILLSTEIN
    FELDER & STEINER LLP
900 Third Avenue
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I hereby certify that this paper is being deposited this date with the U.S.
Postal Service with sufficient postage as First Class Mail addressed to:
Commissioner for Patents;
Washington, D.C. 20231.

Antonio Papageorgiou, Reg. No. 53,431   Date April 11, 2005

BRMFS1 573019v1

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 14 2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,681	06/20/2001	Roger Kahn	4033/2A	6364

EXAMINER
LU, KUEN S

ART UNIT	PAPER NUMBER
2167	

29858   7590   01/10/2005

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP
900 THIRD AVENUE
NEW YORK, NY 10022

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED JAN 1 4 2005

Docket Date: _____

Docket No.: 4033-02AUS

Attorney(s): SHO/MK/APA

Action: _____

Action Date: _____

Notice of Abandonment	**Application No.** 09/885,681	**Applicant(s)** KAHN ET AL.	
	Examiner Kuen S Lu	**Art Unit** 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on <u>04 December 2003</u>.

   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.

   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

   A telephone call was made to the Applicant's representative (Seth Ostrow, No. 37,410, telephone: 212-895-2000) on 12/22/2004. Confirmation on the abandment of the application was orally received.

   Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

TRANSMITTAL LETTER

Atty Docket No.: 4033/2A US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant(s) : Roger Ewing KHAN
Serial No. : 09/885,681
Filed : June 20, 2001
Title : SYSTEM AND METHOD FOR LEAST WORK
PUBLISHING

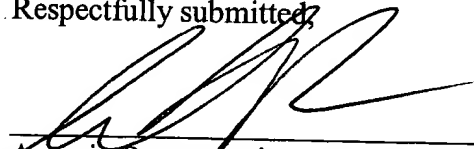Kindly file the annexed papers indicated below:
☒ Amendment and Response to Office Action (10 pages)
☒ Three Month Extension of Time (1 page)
☒ Check for $ 475.00 for the Three Month Extension of Time
☒ Return receipt postcard

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to the undersigned attorney's Deposit Account No. 02-4270.
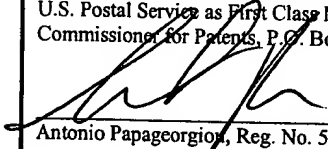
Respectfully submitted,

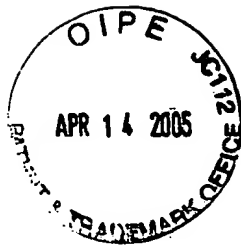Dated: June 4, 2004   By:

Antonio Papageorgiou, Reg. No. 53,431
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as First Class Mail addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Antonio Papageorgiou, Reg. No. 53,431   Date June 4, 2004

BRMFS1 496321v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roger Ewing Kahn

Serial No.:   09/885,681   Examiner: LU, Kuen S.

Filed: June 20, 2001   Group Art Unit: 2177

Title: SYSTEM AND METHOD FOR LEAST WORK PUBLISHING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

This Amendment and Response is submitted in response to the Office Action dated December 4, 2003 in connection with the above-identified application. The Applicants hereby request a three-month extension of time to extend the time to file a response to the Office Action to June 4, 2004. A check to cover the $475.00 fee for the three-month extension of time for a small entity is included herewith. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 02-4270.

AMENDMENTS TO THE SPECIFICATION

Please amend the paragraph beginning at page 10, line 3 to page 10, line 15 of the specification in accordance with the following replacement paragraph:

Modifying content in the database 102 through use of the content management software 100 creates the need for republishing the affected content pages 116. A request for republication can be either initiated by the user, or by an external system or event, or by an automated task that is triggered to occur at a certain time/interval, or by a change to the data in the database 102. The actual method of generating such a request, however, is not limited by and does not affect the functioning of the present invention. The content management system 100 responds to a republication request by calling upon the dependency checking software to verify if the republication is indeed required. The dependency checking software 106 performs a dependency check to determine if any published files ~~106~~ 116 have become stale as a result of changes made to content stored in the database 102 or to the templates 112 used to generate the published files 116. Based on the results of the check, the dependency checking software 106 instructs the template engine 114 to republish only the stale files and create new dependency records 104 for the republished files.

Please amend the Abstract beginning at page 22 of the specification in accordance with the following paragraph:

~~The present invention is a system~~ Systems and <u>corresponding</u> methods <u>are provided</u> ~~for content management that is operative to determine~~ <u>for determining</u> when a content page contains out of date content items as a result of changes made to the content items ~~stored in a data source,~~ <u>which systems.</u> ~~The system~~ comprises a template engine ~~for executing templates to generate a content page, the template engine~~ operative to generate a content page comprising content items ~~selectively retrieved from a data source and arranged on the content page as defined by the template, each content item in the data source being~~ <u>that are</u> associated with time stamp information to indicate the last time the content item was modified. One or more dependency records are generated to store information regarding the relationship between content items that comprise the content page and the content items stored in the data

source, which is. ~~Dependency checking software is provided to compare information contained in the dependency record~~ compared with time stamp information contained in the data source for each content item ~~that comprises the content page~~, to determine through the comparison those content pages that contain content items that have been modified in the data source, and to instruct the template engine to re-generate the content page. ~~Methods for utilizing the dependency records and the above described software components to determine whether a content page is out of date are also disclosed~~

REMARKS

Claims 1-25 are pending in the above-identified application. By this Amendment, the Applicants have amended the specification at page 10, line 11 to replace "106" with "116". The Applicants have also rewritten the Abstract of the disclosure to reduce the length of the Abstract to within 150 words. The amendments are supported by the application as originally filed, and do not introduce new matter. Accordingly, entry of the amendments is respectfully requested.

Objection to the Specification

At paragraph 1 of the Office Action, the Examiner objects to the specification on formal ground. Particularly, the Examiner does not understand the use of the term "published files 106" at page 10, line 10 of the specification. The Applicants have amended the specification in at page 10, line 10 to read "published files 116" rather than "published files 106". Accordingly, reconsideration and withdrawal of the objection is respectfully respected.

At Paragraph 2 of the Office Action, the Examiner objects to the length of the Abstract insofar as the Abstract exceeds 150 words and to the use of certain implied phrases, such as "present invention" and "are also disclosed". The Applicants have amended the Abstract of the invention to reduce the length of the Abstract to within 150 words and has deleted the implied phrases referred to by the Examiner. A replacement abstract is appended hereto on a separate sheet in accordance with 37 C.F.R. § 1.72. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claim Rejections – 35 U.S.C. §103

At paragraph 3 of the Office Action, the Examiner rejects claims 1-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,247,032 (Bernado, et al.) and further in view U.S. Patent No. 6,484,149 (Jammes, et al.) and U.S. Patent No. 6,615,235 (Copeland, et al.). The Examiner also rejects claim 25 under 35 U.S.C. §103(a) as being unpatentable over Jammes further in view of Copeland. The Applicants respectfully traverses these rejections, and assert that the claims pending in the present application are patentable over the references cited by the Examiner for at least the reasons stated below.

Bernado discuss a software tool for creating Web sites. The tool includes a library of templates, which include fields that correspond to available features and options that a user

may customize to create a Web site without the need for the user to write program code. Col. 6, lines 1-6, 13-16, and 51-54. The user creates a Web site with the tool by selecting the desired features and options for the Web site from an interface screen provided by the tool. Based on the selected features, the tool identifies which templates from the library contain the desired features and options, and prompts the user to provide data to be included in the Web site. Col. 7, lines 18-31. The tool then creates websites from the template fields and the data provided by the user. Col. 7, lines 46-48.

Jammes discuss a software architecture for merchants to design and manage computer network-based electronic stores. Col. 2, lines 61-64. The software includes a Merchant Workbench component that monitors shopping behavior for the electronic store to gather traffic analysis data that may later be used to customize the electronic store for particular shoppers. Col. 4, lines 19-24. The traffic analysis data, for instance, may be used to generate Web pages that enable the consumer to conveniently access pages for preferred products. Col. 9, lines 22-29; col. 48, lines 33-37.

Jammes' Merchant Workbench provides such functionality by compiling a historical log for each consumer's use of the electronic store, including pages visited and products purchased. Col. 48, lines 38-42. In this respect, traffic analysis data is kept in two separate tables: a browse table and a product orders table. Col. 48, lines 42-46. The browse table includes data regarding the pages visited by each consumer including the date(s) and time(s) particular pages were accessed. Col. 48, lines 47-62. Alternatively, "a timestamp which indicates some instance in time can be stored and would suffice to determine when the consumer accessed a Web page." Col. 48, lines 62-65. Products purchased by each consumer are similarly logged. Col. 48, line 66 – col. 49, line 14. The time data is generally used to "determine whether the consumer accessed any Web page with sufficient frequency to create additional hyperlinks on the page [to be displayed] for the benefit of the consumer." Col. 52, lines 32-36.

Copeland discuss, in the context of proxy server caching, methods and systems for caching Web pages that include data that have different rates of change. Col. 6, lines 63-67; col. 2, lines 31-39. Copeland notes that caching is more beneficial as the access rate for particular Web pages increase and as the update rate for the particular Web page decreases. Col. 7, lines 6-7. In this respect, the Copeland system determines whether or not to cache a Web page or a fragment thereof based on the expected rates of access and change. Col. 9,

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lines 51-55. That is, Copeland includes a configurable time limit in a Web page or a Web page fragment metadata "that may be used to set a maximum time limit that [the] fragment ... should be cached." Col. 10, lines 26-29. Copeland recognizes that the use of time limits inherently "causes many fragments to be discarded and rerendered when they are actually still valid", e.g., when they have not been modified. Col. 10, lines 31-33.

Thus, in the Copeland system, a Web page fragment is first communicated to a proxy server requesting content, the fragment is placed into fragment cache, and if the fragment has a time limit, a cache coordinator sends an update message to a time limit daemon to update the expiration time for the fragment. Col. 13, lines 11-21, 34-35, and 41-45. "The time limit daemon maintains a list of fragments and time limits for expiration", "wakes periodically to see if any fragments expired", and "sends an invalidation signal to [the] cache coordinator". The invalidity signal indicates that a particular fragment has expired and should be discarded from the cache. Col. 14, lines 11-12 and 20-24. Alternatively, invalidation may be accomplished with a database trigger, wherein a record, which includes a timestamp column indicating when the trigger record was created, is inserted into an invalidation table. Col. 10, lines 24-25; col. 14, lines 45-56. In this instance, the invalidation daemon reads records from the invalidation table and notifies the cache coordinator which particular fragments have expired based on the database trigger. Col. 14, line 66-col. 15, lines 6.

In contrast to the references cited by the Examiner, the present invention is generally directed to systems and methods for managing content based on actual changes to the content. Particularly, claim 1 and claims 2-14 dependent thereon are drawn toward systems for managing content that feature, among other things, a template engine for executing templates to generate a content page that includes content items from a content source each of which is associated with time stamp information to indicate the last time the content item was modified, a dependency record for storing information regarding the relationship between the content items of a content page and the content items stored in the data source, and dependency checking software for comparing information contained in the dependency record with time stamp information contained in the data source, determining through the comparison those content pages that contain content items from the data source that have been modified, and instructing the template engine to re-generate a content page that contains modified content items. Neither Bernado, Jammes, Copeland, nor any other reference cited

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by the Examiner, either alone or in combination, discloses or otherwise suggests such functionality.

The Examiner asserts, with reference to col. 48, lines 58-65 that Jammes teaches content items being associated with a time stamp to indicate the last time of modification. The Applicants respectfully disagree with the Examiner. The section of Jammes cited by the Examiner provides that a time stamp is an instance in time that indicates when the consumer accessed a Web page. In contrast, the time stamp information of the present invention indicates the last time a content item that makes up a page was modified, which is not the same as the traffic information sought by Jammes. Indeed, Jammes is not concerned with the time that content items are modified, nor is content item modification information relevant for the traffic analysis functionality discussed by Jammes.

The Examiner further asserts, with reference to col. 48, line 58-col.49, line 10, that Jammes creates browse and products tables for establishing relationships between content items and data fields. The Applicants respectfully disagree on this point as well. As noted above, James creates browse tables to "log information identifying the consumer, the page accessed, and the date and time of the access." Col. 48, lines 47-65. Product tables log information regarding the actual products purchased by the consumer. Col. 48, line 66 – col. 49, line 14. The browse and product tables are not the same as a dependency record that stores information regarding the relationship between content items that make up a content page and those stored in the data source. Furthermore, the browse and product tables are not analogous to the claimed dependency record insofar as the tables contain traffic information that is not at all concerned with the relationship between content items associated with a page.

The Examiner also asserts at page 5 of the Office Action that Copeland teaches dependency checking software for comparing dependency information with time stamp information (col. 14, lines 48-56), determining through a comparison those content pages that contain content items that have been modified (col. 14, line 61- col. 15, line 2), and regenerating content pages that contain modified content items (col. 15, lines 6-10, 33-35, and 60-67). The Applicants respectfully disagree.

Copeland does not disclose dependency information regarding relationships between content items that make up a content page and those stored in the data source. Further, Copeland does not disclose time stamp information that indicates the last time a content item

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was modified. The database trigger referred to by the Examiner indicates the time the trigger record was created (col. 14, lines 53-56), which is used to trigger an external event for initiating invalidation (col. 10, lines 24-25), not "the time the cache data was updated" as asserted by the Examiner. Copeland does not therefore disclose determining those content pages that contain content items that have been modified and regenerating content pages that contain modified content items. Rather, Copeland discards web page fragments from the cache based on time limits that are initiated with metadata time limits or database triggers. Indeed, Copeland recognizes this inherent inefficiency of time limits, noting that "fragments may be discarded and rerendered when they are actually valid", e.g., when they have not changed. Col. 10, lines 31-33.

Copeland does not offer a solution to this apparent shortcoming. The present invention, however, overcomes this shortcoming associated with Copeland by regenerating content pages based on a determination that content items have actually been modified. There is also no suggestion to expand the scope of Copeland to make such a determination. On the contrary, expanding the scope of Copeland in this respect would necessarily require that web page fragments, that are typically provided from an external third party, to be communicated from the provider to the requesting proxy server prior for the determination, which is contrary to the stated purpose of proxy caching, e.g.., to reduce network traffic and latency in obtaining web pages. Col. 2, lines 32-37.

Claim 15, claims 16-23 dependent thereon, claim 24, and 25 are drawn toward methods for determining when a content page contains out of date content items. The methods include, among other things, generating one or more dependency records to capture a relationship between the content items that comprise a content page and the content items stored in the data source. Claim 15, claims 16-23, and claim 25 further include comparing data contained in the dependency records with data contained in the data source to determine if the content page is out of date. Neither Bernado, Jammes, Copeland, nor any other reference cited by the Examiner, either alone or in combination, discloses or otherwise suggests such functionality.

As noted above, James creates browse and product tables to log traffic information which are not the same as a dependency record that stores information regarding the relationship between content items that make up a content page and those stored in the data source, as is asserted by the Examiner. Further, Copeland uses time limits to invalidate
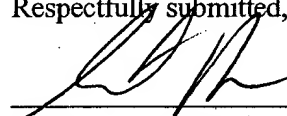
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fragments in the cache and does not determine whether a page is actually out of date. Jammes and Copeland do not therefore disclose or otherwise suggest comparing data in the dependency records with data in the data source to determine if the content page is out of date.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicant's position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.
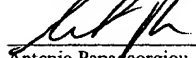
For the above reasons, the Applicants submit that the present invention, as claimed, is patentable over the references cited by the Examiner. Accordingly, reconsideration and allowance of pending claims 1-25 is therefore respectfully solicited. To expedite prosecution, the Examiner is invited to contact the Applicant's representative at 212-895-2905.

Respectfully submitted,

Date: _June 4, 2004_

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BROWN RAYSMAN MILLSTEIN
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New York, NY 10022
Tel. (212) 895-2000
Fax (212) 895-2909

I hereby certify that this paper and any accompanying papers referenced herein are being deposited this date with the U.S. Postal Service as First Class Mail with sufficient postage addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

_____   _June 4, 2004_
Antonio Papageorgiou   Date

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ABSTRACT OF THE DISCLOSURE

Systems and corresponding methods are provided for determining when a content page contains out of date content items as a result of changes made to the content items, which systems comprise a template engine operative to generate a content page comprising content items that are associated with time stamp information to indicate the last time the content item was modified. One or more dependency records are generated to store information regarding the relationship between content items that comprise the content page and the content items stored in the data source, which is compared with time stamp information contained in the data source for each content item, to determine through the comparison those content pages that contain content items that have been modified in the data source, and to instruct the template engine to re-generate the content page.

Date: June 4, 2004

ATTY. DOCKET NO. 4033/2A US

APA:ami

In re Application of   :   Roger Ewing Khan
Application No.   :   09/885,681
Filing Date   :   June 20, 2001
Art Unit   :   2141
Title: SYSTEM AND METHOD FOR LEAST WORK PUBLISHI...

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the individual receiving this correspondence, please check the contents enclosed herewith and verify that the following items were enclosed by date stamping and placing this post card in the out-going mail. Thank you.

- Response to Office Action dated December 4, 2003
- Amendment Transmittal
- Petition for Three-Month Extension of Time
- Check in the amount of $475.00 for extension of time fee
- Return-receipt postcard

Mailing Date: June 4, 2004